

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

FILED
01 OCT 17 PM 3:32
U.S. DISTRICT COURT
N.D. OF ALABAMA

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ENTERED

OCT 17 2001

GWENDOLYN D. SMITH)
)
 PLAINTIFF,)
)
 VS.) CV00-H-2518-W
)
 RITE AID OF ALABAMA, INC.;)
 FIVE POINTS TEMPORARIES OF)
 TUSCALOOSA, INC.,)
)
 DEFENDANTS.)

MEMORANDUM OF DECISION

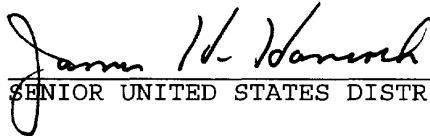
On or about September 6, 2001 the court published a pretrial docket consisting of eight separate cases. The pretrial conferences were set for varying times on October 17, 2001. Copies of the docket were served on all counsel of record, including the six attorneys of record in this case. Two of those attorneys represent the plaintiff and pursuant to pretrial instructions were obligated to submit to chambers at least four working days in advance of October 17, 2001 a draft of a proposed pretrial order. No such draft has been presented. No attorney in the above case has communicated with chambers since the publication of the pretrial docket. Further, neither counsel for plaintiff appeared at the scheduled time for the pretrial

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conference in this case.¹ The court has received pretrial orders for all other cases scheduled for pretrial on such date except cases where counsel have communicated to the court that the case has been settled.

This case will by separate order be dismissed, with prejudice, for lack of prosecution.

DONE this 17th day of October, 2001.


SENIOR UNITED STATES DISTRICT JUDGE

¹ The four attorneys for the two defendants also failed to appear.